IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 5020 of 2007(V)

OS.76/2004 of MUNSIFF COURT, PAYYANNUR
.....

PETITIONER:

KARAYAPPALLI JANAKI, AGED 81 YEARS,
D/O. MANIKKAM, PAYYANNUR AMSOM DESOM,
P.O.PAYYANNUR, KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:
----

1. **KARAYAPPALLI AMBU, AGED 76 YEARS,**
   S/O. CHERIYA MANIKKAM, KELOTH,
   PAYYANNUR AMSOM DESOM, P.O.PAYYANNUR,
   KANNUR DISTRICT.

2. **EDATHILE VALAPPIL JANAKI, AGED 58 YRS,**
   W/O. KARAYAPPALLI AMBU, KELOTH,
   PAYYANNUR AMSOM DESOM, P.O.PAYYANNUR,
   KANNUR.

3. **THAZHAKKAT MANAYIL BALAKRISHNAN**
   THIRUMUMBU, FATHER'S NAME NOT KNOWN,
   PAYYANNUR AMSOM DESOM, P.O.PAYYANNUR,
   KANNUR DISTRICT.

4. **APPELLATE AUTHORITY (LAND REFORMS),**
   KANNUR.

R1 & R2 BY ADV. SRI.M.SASINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF APPEAL MEMORANDUM IN A.A.40/04 DTD.NIL FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**

EXT.P2 **TRUE COPY OF THE AFFIDAVIT AS I.A.92/04 DATED JULY, 2004 FILED BY THE PETITIONER.**

EXT.P3 **TRUE COPY OF THE AFFIDAVIT FILED BY THE PETITIONER IN SUPPORT OF I.A.193/07 IN O.S.76/04 BEFORE THE MUNSIFF COURT, PAYYANNUR DATED 18.1.07.**

EXT.P4 **TRUE COPY OF THE COUNTER FILED BY R1 AND R2 DTD. 1.2.07.**

EXT.P5 **TRUE COPY ORDER OF I.A.193/07 WHICH IS DISMISSED BY THE TRIAL COURT DTD. 5.2.07.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

W.P.C. NO. 5020 OF 2007

= = = = = = = = = = = = = = =

Dated this the 22nd day of June, 2007.

J U D G M E N T

This writ petition is filed to direct the 4th respondent to consider and dispose of Exts.P1 and P2 within a time frame. Ext.P1 is an appeal pending before the appellate authority Kannur as A.A.40/04 and Ext.P2 is I.A.92/04 in the said appeal to condone the delay of 26 years and 7 months in filing the appeal. Now, the request is to dispose of Exts.P1 and P2 within a time frame.

2. Heard the counsel on both sides. Consideration of the writ petition will arise only if the delay is condoned and if the delay condonation petition is dismissed then as a corollary appeal will also be dismissed. Therefore, at this stage,. it is only just and proper for this Court to direct the appellate authority to consider Ext.P2 application in accordance with law after affording an opportunity of being heard to both sides. The appellate authority shall dispose of

Ext.P2 within a time frame of six weeks from today. The writ petitioner is directed to produce a copy of this judgment before the concerned authority for compliance of the said order.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-